

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICE

FORM OF APPLICATION PURSUANT TO THE PROVISIONS OF SECTION 3,
SUBDIVISION 2 OF THE PUBLIC LANDS LAW FOR A CABLE/PIPELINE EASEMENT

In the Matter of the Application of _____:

APPLICATION

_____:

For a grant of easement in lands under the waters of _____:

(Town) (City) (Village) _____ County of _____:

TO: THE COMMISSIONER OF GENERAL SERVICES

The application of _____

_____, residing (having its principal office, if a
corporation) at _____

_____ respectfully alleges:

1. That he (she, they, it) is (are) owner(s) in fee or has consent of the owner in fee of real property
located at _____

and adjacent to _____, which real
(name of body of water)

property is described in a deed or consent document to the Applicant(s)

dated _____,

recorded in the County Clerk's (Registers) Office in Liber _____ of Deeds at page _____

on _____.
(Date)

2. That the proposed use of the easement hereinafter requested and the proposed work or
structures is (insert brief description of proposed easement area including dimensions and use):

3. That the full names and addresses of the owners of record of the adjoining shorefront properties are:

4. That there is attached hereto a copy of permit from the U.S. Department of the Army (Corps of Engineers) authorizing such work to be done. (This is not required if the waters under which the lands are located are not federally controlled)

5. That there are attached hereto design plans of the proposed cable/pipeline approved by all involved agencies.

6. That here is attached hereto a certified copy of the deed (or deeds) to the upland of the undersigned applicant(s), or consent from upland owned together with certified copies of deed(s) of such upland owner.

7. That there are attached hereto affidavits of service of notice on the municipality in which the proposed grant is situate, and on the adjoining owners along the shorefront with copies of the respective notices attached.

WHEREFORE, Your applicant respectfully applies, pursuant to the provisions of Section 3, Subdivision 2 of the Public Lands Law, for a grant of easement in lands under the waters of _____ in _____
(Name of Body of Water) (Name of city or town, including name of village, if in a village)

in the County of _____ and State of New York, for the purpose hereinabove mentioned.

Dated: _____, 20 _____

Applicant

Applicant

(To be signed by all co-owners)

Phone # (H) _____

(W) _____

Other Contact: _____

E-Mail Address: _____

NEW YORK STATE OFFICE OF GENERAL SERVICES

AFFIDAVIT OF APPLICANT

STATE OF }
 :
COUNTY OF } **SS.:**

On the ____ day of _____, in the year 20__ , before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York
Qualified in County of:
My Commission Expires

**STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES**

**FORM OF NOTICE OF APPLICATION PURSUANT TO THE PROVISIONS OF SECTION 3,
SUBDIVISION 2 OF THE PUBLIC LANDS LAW FOR A CABLE/PIPELINE EASEMENT**

(Extra copies of this form may be made as needed)

In the Matter of the Application of _____

_____ :

for a grant of easement in lands under the waters of _____ :

(Town) (City) (Village) _____ County of _____ :

**NOTICE
OF
APPLICATION**

TO:

You are hereby notified that it is the intention of the undersigned to apply on the _____ day of _____, 20 ____, to the Commissioner of General Services, Albany, New York, for a grant of easement, pursuant to the provisions of Section 3, Subdivision 2, of the Public Lands Law in under water land of the State of New York, described as follows (insert brief description of proposed easement area including dimensions and use):

If you believe yourself to be adversely affected by reason of such grant of easement to the undersigned, you should, on or before the above date, file with the Commissioner of General Services, Albany, New York, your written objections and your reason for opposing the granting of such easement.

The adjacent upland of the undersigned is located at:

Dated: _____, 20 ____

Applicant
Post Office Address:

**AFFIDAVIT OF SERVICE OF MAYOR, SUPERVISOR, CLERK OR CORPORATION COUNSEL
NEW YORK STATE OFFICE OF GENERAL SERVICES**

*AFFIDAVIT OF SERVICE
OF
NOTICE OF APPLICATION*

Application of _____
:
:
:

for use of land under the waters of _____ :
in the City/Town of _____ :
County of _____ :

(To be completed by the person
serving the Notice of Application)

STATE OF NEW YORK, COUNTY OF _____
being duly sworn, deposes and says; deponent is over 18 years of age and resides at _____

_____. That on _____, 20____ at _____ deponent served the Notice of Application on _____ personally known to the deponent to be the owner(s) of record of the waterfront land adjoining the land of the applicant and the area applied for, as follows:

INDIVIDUAL by delivering a true copy to said owner(s) personally; deponent knew the person so served to be the owner(s) described in said record.
1.

CORPORATION a _____ corporation, by delivering thereat a true copy to
2. _____ personally, deponent knew said corporation so served to be said corporate owner(s) and knew said individual to be the _____ thereof.
(includes City, Town Village)

SUITABLE AGE by delivering thereat a true copy to _____ a person of suitable
PERSON age and discretion. Said premises is owner(s) actual place of business, dwelling place,
3. usual place of abode within the State.

If the owner(s) cannot be personally served within this State after making diligent efforts to do so, then service methods 4 and 5 may be used.

AFFIXING TO by affixing a true copy to the door of said premises, which is owner(s) actual place of
DOOR, ETC. business, dwelling place, usual place of abode within the State.
4.

AND

MAILING TO deponent enclosed a copy of same in a postpaid envelope properly addressed to
RESIDENCE OR owner(s) at owner(s) last known residence, as shown on local tax rolls at
BUSINESS _____ and deposited said
5. envelope (certified mail) in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State OR deponent enclosed a copy of same in a postpaid envelope addressed to owner(s) at owner's actual place of business, at _____ and deposited said envelope (certified mail) in an official depository under the care and custody of the U.S. Postal Service within New York State.

Sworn to before me this _____

day of _____ 20____ Applicant Signature

Notary Public

Print or Type Name

**AFFIDAVIT OF SERVICE OF AN OWNER OF ADJOINING LANDS
NEW YORK STATE OFFICE OF GENERAL SERVICES**

_____ Application of _____
: _____
: _____
: _____
for use of land under the waters of _____ :
in the City/Town of _____ :
County of _____ :

*AFFIDAVIT OF SERVICE
OF
NOTICE OF APPLICATION*

(To be completed by the person
serving the Notice of Application)

STATE OF NEW YORK, COUNTY OF _____
being duly sworn, deposes and says; deponent is over 18 years of age and resides at _____
_____. That on _____, 20____ at _____ deponent
served the Notice of Application on _____ personally known to the deponent to be the
owner(s) of record of the waterfront land adjoining the land of the applicant and the area applied for, as follows:

- INDIVIDUAL by delivering a true copy to said owner(s) personally; deponent knew the person so
1. served to be the owner(s) described in said record.
- CORPORATION a _____ corporation, by delivering thereat a true copy to
2. _____ personally, deponent knew said corporation so served to
(includes City, Town be said corporate owner(s) and knew said individual to be the _____
Village) thereof.
- SUITABLE AGE by delivering thereat a true copy to _____ a person of suitable
PERSON age and discretion. Said premises is owner(s) actual place of business, dwelling place,
3. usual place of abode within the State.

**If the owner(s) cannot be personally served within this State after making diligent efforts to do so,
then service methods 4 and 5 may be used.**

- AFFIXING TO by affixing a true copy to the door of said premises, which is owner(s) actual place of
DOOR, ETC. business, dwelling place, usual place of abode within the State.
4.
- AND
- MAILING TO deponent enclosed a copy of same in a postpaid envelope properly addressed to
RESIDENCE OR owner(s) at owner(s) last known residence, as shown on local tax rolls at
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U.S. Postal Service within New York State OR deponent enclosed a copy of same in a
postpaid envelope addressed to owner(s) at owner's actual place of business, at
_____ and deposited said
envelope (certified mail) in an official depository under the care and custody of the U. S.
Postal Service within New York State.

Sworn to before me this _____

day of _____ 20____. Applicant Signature

Notary Public Print or Type Name

**AFFIDAVIT OF SERVICE OF AN OWNER OF ADJOINING LANDS
NEW YORK STATE OFFICE OF GENERAL SERVICES**

*AFFIDAVIT OF SERVICE
OF
NOTICE OF APPLICATION*

Application of _____ :
: :
: :

for use of land under the waters of _____ :
in the City/Town of _____ :
County of _____ :

(To be completed by the person
serving the Notice of Application)

STATE OF NEW YORK, COUNTY OF _____
being duly sworn, deposes and says; deponent is over 18 years of age and resides at _____

_____. That on _____, 20____ at _____ deponent
served the Notice of Application on _____ personally known to the deponent to be the
owner(s) of record of the waterfront land adjoining the land of the applicant and the area applied for, as follows:

INDIVIDUAL by delivering a true copy to said owner(s) personally; deponent knew the person so
1. served to be the owner(s) described in said record.

CORPORATION a _____ corporation, by delivering thereat a true copy to
2. _____ personally, deponent knew said corporation so served to
(includes City, Town be said corporate owner(s) and knew said individual to be the _____
Village) thereof.

SUITABLE AGE by delivering thereat a true copy to _____ a person of suitable
PERSON age and discretion. Said premises is owner(s) actual place of business, dwelling place,
3. usual place of abode within the State.

**If the owner(s) cannot be personally served within this State after making diligent efforts to do so,
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RESIDENCE OR owner(s) at owner(s) last known residence, as shown on local tax rolls at
BUSINESS _____ and deposited said
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U.S. Postal Service within New York State OR deponent enclosed a copy of same in a
postpaid envelope addressed to owner(s) at owner's actual place of business, at
_____ and deposited said
envelope (certified mail) in an official depository under the care and custody of the U.S.
Postal Service within New York State.

Sworn to before me this _____

day of _____ 20____. Applicant Signature

Notary Public Print or Type Name

NEW YORK STATE OFFICE OF GENERAL SERVICES

INSTRUCTIONS APPLICATION FOR USE OF LAND UNDERWATER SECTION 3, SUBDIVISION 2 OF THE PUBLIC LANDS LAW (Easement for cables/pipelines)

An application for use of land underwater, pursuant to Article 2 Section 3, Subdivision 2 of the Public Lands Law, shall be made to the Commissioner of General Services.

Please read these instructions and the enclosed pages. The application is composed of pages 1 through 7 and is intended to provide information on the existing or proposed structure, use of project, and notice of the project to the adjacent shorefront owners and the municipality. The applicant should fill out each page of the application and return the same to the address set forth at the end of these instructions.

- Page 1 and 2, *Application*, are for the applicant's name, location, and deed ownership of adjacent owners' properties together with a description of the purpose of the easement.
Please Note, Design plans of the proposed cable/pipeline must be approved by all involved agencies. A final as-built Survey Map and metes and bounds description will be required after construction. **Page II of these instructions has a checklist of material necessary to complete the application process. SEE MAPPING REQUIREMENTS for final as-built survey map.**
- Page 3, *Affidavit of Applicant*, is a verification of applicant's or corporate officer's identity. It must be notarized.
- Page 4, *Notice of Application*, to be served upon the local municipality and upon the adjacent shorefront owners. **Please allow a period of at least twenty (20) days after the date of service of the notice of application before you submit your application to allow the municipality and adjacent shorefront owners sufficient time to comment on your application.**
- Page 5 is the *Affidavit of Service* providing proof that you served the local municipality. (*One affidavit for each service made*). It must be notarized.
- Page 6 and 7 are the *Affidavit of Service* providing proof that you served the adjacent shorefront owner(s). They must be notarized.
- You must complete "Part 1 of the Environmental Assessment Form (EAF)" which can be found at the web address <https://www.dec.ny.gov/permits/6191.html> using the "EAF Mapper Application" which can be found at the web address <http://www.dec.ny.gov/eafmapper/>. If the project is an Unlisted Action, submit a completed Part 1 of a Short Environmental Assessment Form. If the project is a Type I Action, submit a completed Part 1 of a Full Environmental Assessment Form.

Applications should be sent to:

**NYS OFFICE OF GENERAL SERVICES
DIVISION OF STATE ASSET & LAND MANAGEMENT
CORNING TOWER, 40th FLOOR
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12242**

Process is outlined as follows:

1. Coordinate with OGS on State ownership boundaries
2. Receive approval of plans and permits from other agencies
3. Submit application to OGS with final approved plans and permits
4. OGS issues Permit for Construction with payment of permit fee (1/2 of the estimated fee) and insurance
5. After construction, an as-built survey and legal description is completed and approved by OGS
6. Submit remaining fee based on as-built to OGS
7. Easement is finalized and recorded

The following documents shall be submitted with your application for use of underwater lands.

- Design plans of the proposed cable/pipeline must be approved by all involved agencies.
- A certified copy of the deed of applicant's upland property or consent of the upland owner along with certified copy of the upland owner's deed.
- A copy of adjoining shorefront deed(s). (properties on either side of the applicants)
- Copy of the applicable tax map.
- A copy of any permit or letter issued by a local or governmental regulatory agency including but not limited to the U.S. Department of the Army Corps of Engineers, the New York State Department of State, The New York State Department of Environmental conservation. **ALL INVOLVED AGENCIES PERMITS ARE REQUIRED BEFORE OGS CAN ISSUE A CONSTRUCTION PERMIT.**
- A completed environmental assessment form.
- Other satisfactory evidence of compliance with the State Environmental Quality Review Act.

The Commissioner may require additional submissions such as permits and/or letters from the NYS Office of Parks, Recreation and Historic Preservation, the Power Authority of the State of New York and county or local agencies.

After an initial review, the applicant will be advised of the fees required and whether further information is necessary.

Mapping Requirements for Grant of Easement in Lands Underwater for Cables/Pipelines, Section 3(2), P.L.L.,

1. Prepared by a New York State licensed Land Surveyor.
2. May be referenced to the New York State Plane Coordinate System.
Pursuant to Chapter 605 of the Laws of 1995, any map, showing coordinates based on one of the New York State Plane Coordinate Systems, (NYSPCS) shall identify the name and coordinates of the horizontal control stations used to establish such coordinates; the date of the adjustment of those coordinates; the agency establishing those coordinates; the ellipsoid reduction factor, and the grid scale factor used in computing the coordinates. The Professional Land Surveyor or Professional Engineer responsible for such work shall certify on the map that the survey connections to the control stations meet or exceed the minimum accuracy standards and specifications.
3. Size should be 24X36 inches.
4. Application Map title block (SEE TITLE BLOCK BELOW), map scale, date of preparation.
5. Location map in upper left corner, with a scale of 1" =2000', showing general course of shoreline.
6. Scale should be 1" = 50' or-as approved.
7. Owners' names, deed references, tax map identification number and all docks, bulkheads or other improvements within the limits of the lands of such owners.
8. The mean low water or mean high water (as directed), original mean high or mean low (as directed).
9. Boundaries of all previous grants within the limits of such map.
10. Bearings and distances of the boundaries of the lands applied for and the depth of soundings of the lands applied for.
11. An as-built plan and profile showing the completed structure.
12. A metes and bounds or centerline description, as appropriate, of the lands applied for including the desired width of the proposed easement. The centerline shall be described with reference to permanent tie points or monuments on the shore.
13. The vertical datum, if any, shall be noted on the map. The identification and elevation of any benchmarks used in the survey shall be given.
14. The shoreline shall be shown to at least 100 feet beyond the limits of the project area. Where the original shoreline has been changed, the last known location of the original shoreline must be shown. All harbor lines, US Corps of Engineers pierhead and bulkhead lines, state or federal channel lines, or other marine-regulatory boundary lines, identified wetlands, flood control lines and previously issued submerged-land grants affecting the subject area shall be shown. Maps used in connection with the survey of the subject property shall be referenced on the map.
15. If practical, the map should be orientated so that north points towards the top of the map. The north arrow shall be shown and labeled. The scale of the map shall be indicated.

16. The parcel applied for shall be monumented and/or tied to monuments marking the boundaries of the upland property of the applicant. The survey shall contain sufficient monuments for the re-establishment of the application parcel.
17. After the preliminary map is approved by OGS, a final mylar copy of the map bearing the original signature and inked seal of the land surveyor will be requested for filing. At that time the map will be assigned an OGS Map Number which shall be shown in the lower right-hand corner of the map, inside of the border.

Title block shall read

State of New York
Office of General Services
Submerged Land Application Map
in the Application of

(Applicant)

for an easement of lands under
the waters of (water body)

Situate in the Town of (town name), County of (county name), State of New York

Required Certifications

Reviewed by:

_____, date: _____

Richard Scott, L.S., No. 050644
Public Lands Surveyor Examiner
New York State Office of General Services

I hereby certify that this map was made from an actual survey by me or under my direction, during (date), and that this map was completed on (date).

(Surveyor's Name, License Number)